



The Funeral Director Code

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Application of the Code

This is not a statutory Code. In the event of conflict between any statutory code of practice or legislation (including the health and safety legislation) and this Code, the applicable legislation/statutory code shall prevail.

The Principles apply to Category A and Category B members of the National Association of Funeral Directors.

The Code Outcomes apply only to Category A members of the National Association of Funeral Directors.

How to use this document

The Code Principles

The Code Principles define the fundamental ethical and professional standards expected of NAFD members when providing funeral services. NAFD members and their staff should always have regard to the *Principles* and use them as your starting point when faced with an ethical dilemma.

Where two or more *Principles* come into conflict the one which takes precedence is the one which best serves the public interest in the particular circumstances.

The Outcomes (O)

The outcomes describe what NAFD members are expected to achieve in order to comply with the relevant Code Principles in the context of the relevant part of the Code.

Any failure by a funeral director to operate in accordance with these mandatory provisions will constitute a breach of this Code. However, not every breach of the Code will result in disciplinary action.

There may be multiple ways of achieving the Outcomes. If you choose a different method from those set out in the NAFD Funeral Director Code Guidance (this can be accessed via the NAFD website), you should be prepared to demonstrate how you have nevertheless achieved the Outcome. It is advisable to carefully consider how you can best achieve the outcomes, taking into account the size of your business, the particular circumstances of the matter and, crucially, the needs of your clients.

Code principles

This Code is founded on the following ten mandatory principles. Any failure to operate in accordance with these principles will constitute a breach of this Code.

Funeral directors must:

1. act in the best interests of each client, prospective client and customer;
2. provide the best possible level of care to bereaved people, keeping in mind the specific needs of each client and family;
3. respect and maintain the dignity of deceased people in their care at all times;
4. act transparently, with honesty and integrity;
5. provide clients with full and fair information about services, products and associated prices;
6. behave in a way that promotes and maintains public trust in their business, the funeral directing profession and related industries;
7. comply with all legal and regulatory obligations and deal with their regulators in an open, timely and cooperative manner;
8. run their business effectively and in accordance with proper governance and sound risk management principles;
9. run their business in a way that encourages equality of opportunity and respect for diversity; and
10. run their business in a way that encourages a culture that values and welcomes both negative and positive feedback as a way of putting things right and continuously improving service.

Part 1: Caring for your clients

This part is about providing a proper standard of service, which takes into account the individual needs and circumstances of each client and bereaved family. This includes providing clients with the information they need to make informed decisions about the services and products they require, how these will be delivered and how much they will cost. This will enable you and your client to understand each other's needs, expectations and responsibilities.

Your relationship with your client is a contractual one which carries with it legal, as well as conduct, obligations. This part focuses on your obligations in conduct.

You are generally free to decide whether or not to act for a client in any matter, provided you do not discriminate unlawfully (see Part 7 of this Code).

Outcomes

You must achieve these outcomes:

O(1.1). you treat your clients and prospective clients fairly, with respect and dignity, keeping in mind that some will be vulnerable;

O(1.2). you have the resources, skills and procedures to carry out any instructions you accept;

O(1.3). the service you provide to clients is competent, delivered in a timely manner and takes account of each client's needs and circumstances;

O(1.4). you give your clients and prospective clients sufficient information to allow them to make informed decisions about the services they need and the options available to them;

O(1.5). Your full pricing information (including an explanation of third- party costs) is made available clearly both at your funeral home(s) and, where you have a website, online;

O(1.6). your clients receive full and clear information, both at the time of engagement and when appropriate as their matter progresses, about the likely overall cost of their matter;

O(1.7). prospective clients are made aware that they are personally responsible for ensuring they are legally entitled to make the funeral arrangements;

O(1.8). you take all reasonable steps to avoid becoming embroiled in family disputes and conflict situations;

O(1.9). the pricing information for your business on <https://funeral-directory.co.uk/> is complete and up to date;

Part 2: Your operational facilities

This part is about ensuring you have access to suitable premises and equipment to enable you and your staff to provide a proper standard of care for the deceased people who are entrusted to your care.

Outcomes

You must achieve these outcomes:

O(2.1). You have access to suitable facilities and equipment to enable you to care for the deceased people you take into your care;

O.(2.2). your mortuary facility is secure and accessible by authorised persons only;

O. (2.3). You either:

have suitable refrigerated mortuary facilities; or

have access to suitable refrigerated mortuary facilities by virtue of an enforceable service level agreement with a third-party.

O(2.4) You have access to sufficient space to appropriately store every deceased person you take into your care.

O(2.5) Each deceased person must be stored appropriately and in a way that takes into account the [Health and Safety Executive Guidance on controlling the risks of infection at work from human remains: a guide for those involved in funeral services \(including embalmers\) and those in exhumation](#);

Part 3: Caring for deceased people

This part is about providing a proper standard of care for the deceased people who are entrusted to your care and ensuring you only act when authorised to do so.

Any references to “deceased people” or a “deceased person” in this part should be construed as also referring to cremated remains.

Outcomes

You must achieve these outcomes:

O(3.1). You preserve the dignity of the deceased people in your care at all times;

O(3.2). Before taking a deceased person into your care you take all reasonable steps to establish:

the identity of your contractual client;

that your contractual client has authority to instruct you;

that your contractual client has given consent for you to act;

contact details for your contractual client; and

the identity of the deceased person.

O(3.3). Where possible, your client is always kept informed of the precise location of the deceased person they have entrusted into your care;

O(3.4). You keep an accurate and comprehensive written or electronic record of all deceased persons who are brought into your care. This record must be sufficiently detailed to record all actions and activities carried out in relation to each deceased person. This record must be retained for a minimum of 10 years.

O(3.5). You have suitable systems in place to ensure all deceased people in your care can be easily identified by the NAFD or any other external regulator without any assistance from staff;

O(3.6). You have systems in place to ensure that any personal effects of deceased persons in your care are accurately recorded and securely stored;

O(3.7). You store all cremated remains/ashes in a designated, locked, clean, dry and well-maintained location;

O(3.8). Those responsible for physically caring for the deceased people in your care are appropriately trained and competent to do so;

Please see Part 6 of this Code – Training and Professional Development.

O(3.9). Unless otherwise instructed by your client, first offices are always carried out on all deceased persons entrusted to your care;

Please see Code glossary for the definition of 'first offices'.

O(3.10). Subject to O(3.9) and O(3.11), you do not perform any invasive procedures on a deceased person without first obtaining your client's informed consent;

Please see Code glossary for the definition of 'invasive procedure'.

O(3.11). In some exceptional circumstances it may be necessary to perform an emergency invasive procedure with the intent of preserving the deceased person. In the event that there is insufficient time to seek the consent of your client in advance of any invasive procedure, a clear record of the circumstances and procedure carried out must be kept and made available to inspectors on request.

O(3.12). Cremated remains/ashes are never withheld for the purposes of securing payment for goods or services.

Part 4: Management of your business

This part is about the management and supervision of your business.

Factors to be taken into account will include the size and complexity of the business; the number, experience and qualifications of the employees; and the number of branches.

The outcomes in this part show how the Principles apply in the context of the management of your business.

Outcomes

You must achieve these outcomes:

- O(4.1). you have a clear and effective governance structure and reporting lines;
- O(4.2). you have effective systems and controls in place to achieve and comply with all the Principles, rules and outcomes of this Code;
- O(4.3). you identify, monitor and manage risks to compliance with all the Principles, rules and outcomes of this Code, if applicable to you, and take steps to address issues identified;
- O(4.4). you comply with legislation applicable to your business, including health and safety and data protection law;
- O(4.5). you train individuals working in the business to maintain a level of competence appropriate to their work and level of responsibility;
- O(4.6). you have adequate and appropriate professional indemnity insurance cover for you, your practice and your employees.

Part 5: Publicity and the ethical procurement of business

This part is about the manner in which you publicise your business. The overriding concern is that publicity is not misleading and is sufficiently informative to ensure that clients and others can make informed choices.

The outcomes in this part show how the Principles apply in the context of publicity.

Outcomes

You must achieve these outcomes:

- O(5.1). your publicity in relation to your business is accurate and not misleading, and is not likely to diminish public trust in the funeral directing profession and/or related services;
- O(5.2). your publicity relating to charges is clearly expressed and identifies whether disbursements are included;
- O(5.3). you do not make unsolicited approaches in person, by telephone or through a third-party agent to members of the public in order to publicise your business (e.g. through selling funeral plans) or another business;
- O(5.4). clients are informed of any financial or other interest which an introducer has in referring the client to you;

Part 6: Training and professional development

This part is about ensuring that you and any staff you employ are equipped with the skills, knowledge and experience necessary to provide a proper level of care to bereaved families and the deceased people they entrust into your care.

Outcomes

You must achieve these outcomes:

- O(6.1). any staff or subcontractors responsible for caring for deceased people are equipped with the skills and knowledge necessary to do this;

O(6.2). any staff responsible for ensuring compliance with legal and conduct obligations are equipped with the knowledge necessary to do this.

Part 7: Equality and diversity

This part is about encouraging equality of opportunity and respect for diversity, and preventing unlawful discrimination, in your relationship with your clients and others. It is not intended to cover situations that arise between employers and employees.

The requirements apply in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Everyone needs to contribute to compliance with these requirements, for example by treating each other, and clients, fairly and with respect, by embedding such values in the workplace and by challenging inappropriate behaviour and processes. Your role in embedding these values will vary depending on your role.

As a matter of general law you must comply with requirements set out in legislation - including the Equality Act 2010 - as well as the conduct duties contained in this part.

The outcomes in this part show how the Principles apply in the context of equality and diversity.

Outcomes

You must achieve these outcomes:

O(7.1). you and your staff do not discriminate unlawfully, or victimise or harass anyone, in the course of your professional dealings;

O(7.2). you provide services to clients in a way that respects diversity;

O(7.3). You make reasonable adjustments to ensure that disabled clients are not placed at a substantial disadvantage compared to those who are not disabled, and you do not pass on the costs of these adjustments to these disabled clients;

O(7.4). complaints of discrimination are dealt with promptly, fairly, openly, and effectively;

Notes

The obligations in this part closely mirror your legal obligations. You can obtain further information from the Equality and Human Rights Commission, www.equalityhumanrights.com.

Part 8: Confidentiality and data protection

This part is about the protection of clients' confidential information and confidential information relating to the deceased people entrusted into your care.

Protection of confidential information is a fundamental feature of your relationship with clients. It exists as a concept both as a matter of law and as a matter of conduct. This duty continues despite the end of your contractual relationship.

Outcomes

You must achieve these outcomes:

O(8.1). you comply with your data protection obligations under the General Data Protection Order (GDPR);

O(8.2). you keep the affairs of clients and the deceased people you take into your care confidential unless disclosure is required or permitted by law or the client consents;

O(8.3). you have effective systems and controls in place to enable you to identify risks to client confidentiality and to mitigate those risks.

Notes

The protection of confidential information may be at particular risk where a firm or business changes hands.

Part 9: Complaint handling

This part is about ensuring that if clients are not happy with the service they have received they know how to make a complaint and that all complaints are dealt with promptly and fairly.

Outcomes

You must achieve these outcomes:

O(9.1). clients are informed of your complaint procedure and their right to complain to the National Association of Funeral Directors at the time of engagement;

O(9.2). clients are informed of their right to raise a dispute through NAFD Resolve at the time of engagement;

O(9.3). clients' complaints are dealt with promptly, fairly, openly and effectively;

O(9.4). clients are informed of their right to challenge or complain about your bill;

O(9.5). clients are able to obtain a copy of your complaint procedure upon request;

Part 10: Working with your regulators

The outcomes in this part show how the Principles apply in the context of you and your regulators.

All references to 'your regulators' in this Code should be interpreted as including the National Association of Funeral Directors and any future statutory regulator,

Outcomes

You must achieve these outcomes:

O(10.1). you notify the relevant regulators promptly of any material changes to relevant information about you including:

- the opening of a new branch or operational premises
- the closure of an existing branch or operational premises
- any action taken against you by another regulator, including non-sector specific regulators such as the ICO and HSE
- any serious failure to comply with or achieve the Principles of this code

O(10.2). you co-operate fully with your regulators at all times including in relation to any investigation into your compliance with this Code;

O(10.3). you comply with any written notice from your regulator(s) and any independent organisation overseeing complaints against you

O(10.4) you cooperate with your regulators inspection and compliance monitoring processes and grant access to all areas of your business premises necessary for the carrying out of regular announced and unannounced inspections;

O(10.5) you cooperate with your regulators self-reporting requirements and ensure that all information provided is full and accurate to the best of your knowledge.

Glossary

Client	The person for whom you act and with whom you have a contractual relationship. This definition is intended to include former clients.
Disbursement	Any payment made on behalf of a client to a third party for which reimbursement (without any mark-up) is subsequently charged to the client.
First Offices	The process of making a person who has died look presentable for loved ones to view. As a minimum, this will include cleaning and washing the body, dressing them and closing the eyes and mouth.
Funeral Director	A person or entity whose business consists of, or includes the arrangement and conduct of funerals. For the avoidance of doubt, this definition includes all of the following: Funeral business owners Funeral business staff who routinely come into direct contact with bereaved families Funeral business staff responsible for arranging funerals Funeral business staff responsible for the care or transport of deceased people Managers of funeral business staff Funeral business managers
Invasive procedure	Any care procedure that involves the breaking of skin or the opening of bodily cavities, including embalming.
Introducer	Means any person, business or organisation who or that introduces or refers clients to your business, or recommends your business to clients or otherwise puts you and clients in touch with each other. This definition is intended to include market comparison websites.
Prospective Client	Any member of the public.
Regulator	The National Association of Funeral Directors, any future statutory regulator and any other entity appointed to regulate funeral directors in accordance with this Code.